

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
7

8 MONTRAIL D. SMITH,

9 Petitioner, 2:15-cv-00487-KJD-VCF

10 vs.

11 TIMOTHY FILSON, *et al.*,

12 Respondents.

13 _____ /
14
15 **ORDER**

16 In this habeas corpus action, the petitioner, Montrail D. Smith, filed a first amended petition
17 for writ of habeas corpus on April 11, 2016 (ECF No. 24). The respondents filed a motion to
18 dismiss (ECF No. 35) on August 10, 2016. On December 19, 2016, Smith filed a response to the
19 motion to dismiss (ECF No. 43), a motion for leave to conduct discovery (ECF No. 47), and a
20 motion for evidentiary hearing (ECF No. 48). On December 20, 2016, Smith filed a motion for stay
and abeyance (ECF No. 50).

21 Respondents' reply regarding the motion to dismiss, and their responses to the motion for
22 leave to conduct discovery and motion for evidentiary hearing, were due January 9, 2017. *See* Order
23 entered June 30, 2017 (ECF No. 13); Order entered June 15, 2016 (ECF No. 32). Their response to
24 the motion for stay and abeyance was due January 3, 2017. *See* LR 7-2(b).

25 On December 27, 2016, respondents filed a motion for extension of time (ECF No. 52),
26 requesting an extension to January 26, 2017, of the time to file their reply in support of their motion

1 to dismiss. On January 3, 2017, respondents filed a motion for extension of time (ECF No. 54),
2 requesting an extension to January 18, 2017, to file their responses to Smith's motion for leave to
3 conduct discovery, motion for evidentiary hearing, and motion for stay. Respondents' counsel states
4 that the extensions of time are necessary because of her obligations in other cases and because of
5 time away from her office during the holidays. The court finds that the motions for extension of time
6 were made in good faith and not solely for the purpose of delay, and that there is good cause to
7 extend these deadlines.

8 The court will grant the motions for extension of time, and extend all respondents' deadlines
9 -- for their reply in support of their motion to dismiss, and their responses to the motion for leave to
10 conduct discovery, the motion for evidentiary hearing, and the motion for stay and abeyance -- to
11 January 26, 2017.

12 **IT IS THEREFORE ORDERED** that respondents' motions for extensions of time (ECF
13 Nos. 52, 54) are **GRANTED**. Respondents shall have until and including **January 26, 2017**, to file
14 their reply in support of their motion to dismiss, and their responses to the motion for leave to
15 conduct discovery, the motion for evidentiary hearing, and the motion for stay and abeyance.
16 Petitioner will then have **20 days** to file replies in support of his motion for leave to conduct
17 discovery, motion for evidentiary hearing, and motion for stay and abeyance. *The court will not*
18 *further extend this briefing schedule, for any party, absent extraordinary circumstances.*

19
20 Dated this 10 day of January, 2017.

21
22 
23

24 UNITED STATES DISTRICT JUDGE
25
26